

Historic District Commission
Meeting Minutes March 16, 2009

Meeting called to order at 7:35PM. David Honn (DH), Scott Kutil (SK), Ellie Halsey (EH), Kathy Acerbo-Bachmann (KAB), Michaela Moran (MM), and Brian Bendig (BB) were in attendance. Terra Friedrichs was absent. Andy Brokway, Lelia Kamel, Kristin Norwood, and Jennifer Patenaude were present as observers; they were invited to attend the meeting in the role of potential volunteers for the HDC. Bill Higgins, who may be building a house on Windsor Avenue, was present and Anne Forbes was present as a member of the public. The meeting was held in room 126 in Town Hall.

Minutes for the February 23, 2009 meeting were approved as corrected.

The first appointment of the evening was with Jane Adams representing the Congressional Office of Niki Tsongas. This is application 0901 for signage at 492 Main Street. Jane said that they intend to repaint the existing signs white with black lettering using a typeface called Bookman that is similar to the one used on the existing sign. BB moved to approve the application on the condition that all abutters waive their right to a public hearing. MM seconded the motion and it was approved unanimously.

During a break in the appointments, KAB spoke about the Susan Maycock lecture and the walking tours. The lecture on Hartwell and Richardson Architects will be held April 22nd in the Acton Public Library and co-sponsored by the HDC, the Historical Commission, and the Trustees of the Acton Public Library. BB volunteered to speak briefly about the work of the HDC as an introduction to the lecture. Bill Klauer will be doing walking tours of the town's Historic Districts this summer. There will be a sign-up for the tours and they will be limited to 22 – 25 people.

BB discussed the POD in Acton Center that was just removed after 11 months, and said that it took the involvement of the Director of Municipal Properties and Town Counsel to have it removed. The HDC has recently enacted a regulation to prohibit POD's in the Historic Districts.

BB discussed the letter that we received from the LWV in response to our letter of March 1 to them asking that the LWV observer, Nancy Tavernier, be replaced and that this same letter (our letter of March 1) be published in the LWV bulletin. BB again noted the disturbing pattern of misreporting of our meetings in the LWV bulletins and another misrepresentation of our meetings to the Acton Planning Board by the LWV observer.

The letter from the co-chairs of the LWV was read by BB: the letter rejected our claims and said the LWV will not publish our March 1 letter in the LWV bulletin. BB would like to respond to this letter by saying that Ms. Tavernier should not attend our meetings. Ms. Tavernier volunteered to monitor us in October, shortly after we complained to the BOS about the ACHC's handling of communications with us concerning a possible 40B in South Acton. After that complaint we have had an observer connected with the ACHC who continually errs in the negative, with an especially negative bias indicated in her report to the LWV on our Public Hearing on Demolition by Neglect and misstatements about our business generally. EH

commented that we need to continually call Ms. Tavernier on this negativity and the LWV also. Bill Higgins posed a question for the HDC: does the LWV support her? The implication from their letter is probably yes, said BB. Ms. Tavernier and the LWV have a lot of political weight, said BB, but we cannot tolerate such serious and harmful misinformation about us from any source.

The next appointment was a preliminary discussion of the proposed American Legion podium. Harry Tinseth, Post Commander, attended with the Legion's designer and one other member of the Legion. Dean Charter, the director of municipal properties, was present for the discussion. Mr. Tinseth described the proposed podium and its desired location on the triangle in the Acton Center (across from Town Hall). Dean Charter noted that the cross-section of the podium would not overwhelm the Town Common. BB asked if anyone present had ever seen a permanent podium in a town common or park. No one present was aware of ever seeing any such thing. BB asked why the Legion didn't buy a new portable podium for exclusive use of the organization. The Legion representatives said they did not want to use a public podium because they did not want to carry it around and store it.

Dean suggested that we move the location of the permanent podium off the triangle and across the street near the newer memorials. BB agreed with that and DH said it would be helpful to have a mock-up so that we can better see how it fits in with the WW I memorial in the triangle. EH asked how many times the podium would be used per year and Harry Tinseth replied that the podium is not only for veterans but for the Town of Acton.

Nina Cook, from the firm of Anderson and Krieger, also the Town Counsel, was the next appointment. She wanted to get feedback about a proposed mediation regarding the 83 River St. garage door violation. At this point BB recommended that DH and KAB recuse themselves from the discussion, which they did, although they elected to stay in the meeting room and listen to the discussion.

BB summarized the violation at 83 River Street: the owners put the garage doors on the building before we made a decision on their application. BB noted that before we made our decision on the garage door application, we received a letter from the applicant's attorney, Alex Parra, and that BB wrote a draft response to this letter which has been reviewed by the Town Counsel's office. As a result of this review, Ms. Cook sent email to BB on February 28th informing him that the Town Counsel would like to mediate the issue between the HDC and Lothrop Mill over the garage doors. BB will revise and send the letter to Parra regarding the offer to mediate and refuting misstatements in the Parra letter.

Nina asked the HDC to give her a summary of the situation with Lothrop Mill and the garage doors. We related that the developers came to the HDC several years ago with a plan for single family homes together with a rehabilitated Mill building – the planning was staged. They wanted a fast response from us, to the point of subverting our process. BB said that everything is documentable.

Nina asked if the only goal is to get the garage door violation worked out. We told her that these developers still have a large development to complete and that we expect more applications

from them. BB said he would supply Nina with additional information and Nina said that BB could share her letter of February 28th with the members of the board. Anne Forbes pointed out that the HDC has always obtained the abutters lists and sent out all notices, not the applicant. That way the commission can check the list for accuracy and has its own record of the mailings.

The final appointment was with Scott Nicol who came in to discuss proposed changes to the entryway at 76 School Street. The HDC found that the proposed changes are not in our jurisdiction because they are less than one foot above grade and fall within the exclusion for certain types of such changes.

At this point the commission moved on to the other business of the evening.

EH said she wasn't able to get to Exchange Hall, but that she would try again on Friday.

There is a new application from 77 Nagog Hill Road. Since BB must recuse himself from this application Michaela will contact them. EH will request the abutters list.

Due to the upcoming Town Meeting and quorum concerns, the next meeting will be the 21st of April.

Michaela had a discussion with the Rosenfelds on their West Acton project. She went with them to the site and noted that they have changed the plans that they presented to the HDC. They didn't leave the new plans with Michaela. She learned that the project needs to start on the parking garage by July under the terms of an existing permit, so the Rosenfeld's want to make sure they can obtain approval of the rest of the project. We expect to see their application at the meeting on the 21st of April.

We have no official business at the upcoming Town Meeting. BB plans to say something in favor of the shade tree planting in the Historic Districts.

BB summarized the meeting he had with Peter Berry, our new BOS liaison. They discussed HDC membership. BB said that we needed support from the Town on the LWV situation and talked about the abutter and Flannery conflicts. BB noted that our deadline was what motivated Glenn Berger to finally start the renovations at Exchange Hall.

There was a request from the Rosenfeld's to give a summary of all our deliberations regarding their project to the BOS and the Rosenfelds. BB said that we can do that through the BOS liaison.

KAB said that we should continue to move forward with the Demolition by Neglect Bylaw.

The meeting was adjourned at 11pm.